

[counsel listed on signature page]

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

ORACLE AMERICA, INC.

CASE NO. CV 10-03561 WHA

Plaintiff,

**STIPULATION AND [PROPOSED]
ORDER REGARDING SELECTION,
ARRANGEMENT AND STRUCTURE**

V.

GOOGLE INC.

Judge: Honorable William H. Alsup

Defendant.

STIPULATION

WHEREAS, the parties have met and conferred and have reached agreement regarding a statement that Google made in a brief to the Court regarding substantial similarity of the selection, arrangement and structure of API elements in the 37 accused API packages;

NOW THEREFORE THE PARTIES HEREBY STIPULATE AND AGREE as follows:

1. The following statement shall be read to the jury on the same terms as the other statements in the Court's Order Granting in Part Oracle's Motion to Deem Issues Undisputed and Denying Relief Regarding Statement to Jury (ECF No. 938):

For the 37 accused API packages, Android and Java 2 SE Version 5.0 have substantially the same selection, arrangement and structure of API elements.

2. This stipulation is made without prejudice to Oracle arguing that the selection, arrangement and structure of the 37 API packages are virtually identical between Android and Java 2 SE.

3. This stipulation is made without prejudice to Google arguing that the 37 accused API packages in Android and Java 2 SE are only a small portion of the Android and Java platforms, respectively, as a whole.

ORDER

The foregoing stipulation is approved, and IT IS SO ORDERED.

Date:

Honorable William H. Alsup
Judge of the United States District Court

1 Dated: April 19, 2012

MORRISON & FOERSTER LLP

2 By: /s/ Marc David Peters

3
4 MORRISON & FOERSTER LLP
5 MICHAEL A. JACOBS (Bar No. 111664)
mjacobs@mofo.com
6 MARC DAVID PETERS (Bar No. 211725)
mdpeters@mofo.com
7 DANIEL P. MUINO (Bar No. 209624)
dmuino@mofo.com
8 755 Page Mill Road
Palo Alto, CA 94304-1018
Telephone: (650) 813-5600
Facsimile: (650) 494-0792

9
10 BOIES, SCHILLER & FLEXNER LLP
11 DAVID BOIES (Admitted *Pro Hac Vice*)
dboies@bsflp.com
12 333 Main Street
Armonk, NY 10504
13 Telephone: (914) 749-8200
Facsimile: (914) 749-8300
14 STEVEN C. HOLTZMAN (Bar No. 144177)
sholtzman@bsflp.com
1999 Harrison St., Suite 900
15 Oakland, CA 94612
Telephone: (510) 874-1000
Facsimile: (510) 874-1460

16
17 ORACLE CORPORATION
18 DORIAN DALEY (Bar No. 129049)
dorian.daley@oracle.com
19 DEBORAH K. MILLER (Bar No. 95527)
deborah.miller@oracle.com
20 MATTHEW M. SARBORARIA (Bar No.
211600)
matthew.sarboraria@oracle.com
21 500 Oracle Parkway
Redwood City, CA 94065
22 Telephone: (650) 506-5200
Facsimile: (650) 506-7114

23 *Attorneys for Plaintiff*
24 ORACLE AMERICA, INC.

1 Dated: April 19, 2012

KEKER & VAN NEST LLP

2 By: /s/ Matthias A. Kamber

3 SCOTT T. WEINGAERTNER (*Pro Hac Vice*)
4 sweingaertner@kslaw.com
5 ROBERT F. PERRY
6 rperry@kslaw.com
7 BRUCE W. BABER (*Pro Hac Vice*)
8 bbaber@kslaw.com
1185 Avenue of the Americas
11 New York, NY 10036-4003
12 Telephone: (212) 556-2100
13 Facsimile: (212) 556-2222

9 DONALD F. ZIMMER, JR. (SBN 112279)
10 fzimmer@kslaw.com
11 CHERYL A. SABNIS (SBN 224323)
12 csabnis@kslaw.com
13 KING & SPALDING LLP
14 101 Second Street - Suite 2300
15 San Francisco, CA 94105
16 Telephone: (415) 318-1200
17 Facsimile: (415) 318-1300

18 GREENBERG TRAURIG, LLP
19 IAN C. BALLON (SBN 141819)
20 ballon@gtlaw.com
21 HEATHER MEEKER (SBN 172148)
22 meekerh@gtlaw.com
23 1900 University Avenue
24 East Palo Alto, CA 94303
25 Telephone: (650) 328-8500
26 Facsimile: (650) 328-8508

27 KEKER & VAN NEST LLP
28 ROBERT A. VAN NEST (SBN 84065)
rvannest@kvn.com
CHRISTA M. ANDERSON (SBN 184325)
canderson@kvn.com
DANIEL PURCELL (SBN 191424)
dpurcell@kvn.com
633 Battery Street
San Francisco, CA 94111
Telephone: (415) 391-5400
Facsimile: (415) 397-7188

29 *Attorneys for Defendant*
30 GOOGLE INC.

ATTESTATION

I, Marc David Peters, am the ECF User whose ID and password are being used to file this STIPULATION AND [PROPOSED] ORDER REGARDING SELECTION, ARRANGEMENT AND STRUCTURE. In compliance with General Order 45, X.B., I hereby attest that Matthias A. Kamber has concurred in this filing.

Date: April 19, 2012

/s/ Marc David Peters